

**Notice of Allowability**

Application No.

09/524,476

Examiner

Roberta A Stevens

Applicant(s)

POSTHUMA, CARL ROBERT

Art Unit

2665

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 01-04-2005.
2. ☒ The allowed claim(s) is/are 1, 6-11, 13-17, 39 and 40 (renumbered 1-14).
3. ☒ The drawings filed on 13 March 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 6-28-04
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**3399EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Carmen Patti on Friday, April 1, 2005.
3. The application has been amended as follows:

**Claim 10,**

**Line 5, "interface circuit; and", has been replaced with, --interface circuit;-- data branch for providing data communications between the communication interface and the interface circuit; and wherein the controller instructs the crosspoint circuit to transmit circuit to transmit the wake-up signal to the data branch to establish the data communications between the communications interface and the interface circuit.--**

**Claim 12 has been cancelled.**

**Claim 13,**

**Line 1, "12", has been replaced with, --10--**

**Claim 14,**

**Line 1, "12", has been replaced with, --10--**

*Allowable Subject Matter*

4. Claims 1, 6-11, 13-17, 39 and 40, renumbered 1-14, are allowed.

5. The following is an examiner's statement of reasons for allowance: the prior art does not teach or fairly suggest a system for providing data communications between a first DSL data device and a network switch comprising: a pilot branch for communicating with the first data device via pilot signals when the data device is in a sleep mode; a data branch for providing data communications between the first data device and the network switch when the first data device is active; a controller circuit for monitoring the pilot signals and for switching the first DSL data device from the pilot branch to the data branch when the first DSL data device becomes active based on the pilot signal and a cross-point device for switching the a first DSL data device from the pilot branch to the data branch and switching the second DSL device from the data branch to the pilot branch when the first DSL data device is switched from the pilot branch to the data branch in response to the controller; and wherein the controller circuit monitors operations of the second device and, based on the monitored operation, instructs the cross-point device to switch the second device, as recited in independent claims 1, 10 and 39.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2665

***Conclusion***

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Stevens whose telephone number is 571-272-3161.

The examiner can normally be reached on M-F 9:00am-5:30pm.

2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Stevens  
Examiner  
Art Unit 2665

A handwritten signature in black ink, appearing to read 'STEVEN NGUYEN', with a long horizontal stroke extending to the right.

STEVEN NGUYEN  
PRIMARY EXAMINER